

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for December 8, 2004 PLANNING COMMISSION MEETING

P.A.S.: Comprehensive Plan Conformance No. 04011
Pine Lake Plaza conservation easement

PROPOSAL: Request to find that the acquisition of a permanent conservation easement over approximately 1.83 acres of open space and wetlands conforms to the 2025 Comprehensive Plan.

LOCATION: West of the intersection of Pine Lake Road and South 82nd Street.

LAND AREA: 1.83 acres, more or less.

CONCLUSION: The proposed easement will ensure protection of a mitigated wetland and supports several goals of the Comprehensive Plan.

<u>RECOMMENDATION:</u>	In conformance with the Comprehensive Plan.
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Outlot A, Pine Lake Plaza Addition, Lincoln, Lancaster County, Nebraska.

EXISTING ZONING: O-3 Office Park

EXISTING LAND USE: Vacant

SURROUNDING LAND USE AND ZONING:

North:	Residential	AGR
South:	Vacant (office proposed)	O-3
East:	Vacant (single-family dwellings and office proposed)	R-3, O-3
West:	Vacant (office proposed)	O-3

HISTORY:

March 25, 2004 AA#04004 to UP#145 revising building envelopes and the land use table was approved.

July 16, 2003 ANN#02006 annexing all of Lots 34, 49, 50, 51, 52 and 53 I.T's. and adjacent public rights-of-way; CZ#3373 from AGR to R-3 and O-3; PP#02016 creating 9 residential lots, 12 office/commercial lots, and three outlots; and UP#145 to allow 192, 900 square feet of office and commercial floor area were all approved for Pine Lake Plaza.

COMPREHENSIVE PLAN SPECIFICATIONS:

Page F18 - Guiding Principles for the Urban Environment

Streams, trees, open space, and other environmentally sensitive features should be preserved within new development as design standards allow. The natural topography and features of the land should be preserved by new development to maintain the natural drainageways and minimize land disturbance.

Page F22 - Green Space: Areas predominantly used for active recreational use, such as parks, golf courses, soccer or ball fields, and trails. Green space areas may be either public or privately owned. While some isolated environmentally sensitive features may be within these areas, they are predominantly for active recreation, with some passive recreation uses also possible.

Page F25 - The 2025 Future Land Use Plan shows this area as urban residential, green space and commercial

Page F52 - Environmental Resource Features represent an important part of today's urban and rural landscapes. Such features need to be valued and sustained as part of the overall planning process if they are to remain as vital parts of the natural heritage left for succeeding generations.

Page F55 - The purpose of the **Greenprint Challenge** is to assure the long term health and integrity of the ecosystem upon which Lancaster County is superimposed, and to capture the community-wide quality of life and economic benefits that can be derived from the area's environmental resource features.

Page F64 - The Greenprint Challenge: Implementation Strategies include:

Investigate the possible use of easements (e.g., conservation, preservation, public access, etc.) to manage land with environmental resource interest.

ANALYSIS:

1. The Nebraska Conservation and Preservation Easement Act (NEB. REV. STAT. §§ 76-2,111 to 76-2,118) requires action on the acquisition of conservation easements to be referred to the local planning commission having jurisdiction over the properties for approval prior to the acquisition. The Planning Commission must make a finding "regarding the conformity of the proposed acquisition to comprehensive planning for the area," (NEB. REV. STAT. §76-2,112). Planning Commission action regarding conformance to the Comprehensive Plan is final. The City Council will then either accept or deny the associated conservation easement.
2. The purpose of this Comprehensive Plan Conformity report is to determine whether this permanent conservation easement is in conformance with the 2025 Comprehensive Plan.
3. Pine Lake Plaza was approved with private roadways providing internal access to the lots within the development. One of them, Eiger Drive, crosses a wetland previously delineated on the preliminary plat. This disturbance of wetlands requires a Section 404

- Permit approved by the Army Corps of Engineers. As a condition of approval, the Corps is requiring the area disturbed by the crossing to be mitigated and protected by a conservation easement.
4. The permit allows the road to cross a wetland, but land equivalent in area to that being disturbed will be protected by conservation easement in the same drainage/wetland area.
 5. The City of Lincoln can accept the conservation easement after the Planning Commission determines the easement conforms to the Comprehensive Plan.

Prepared by:

Brian Will, AICP
Planner
November 22, 2004

Applicant/

Owner: Pine Lake Development, LLC
3801 Union Drive Suite 102
Lincoln, NE 68516

Contact: Richard Onnen
EDC
2200 Fletcher Avenue Suite 102
Lincoln, NE 68521



2002 aerial

Comp. Plan Conformance #04011 S. 82nd and Pine Lake Rd.

Zoning:

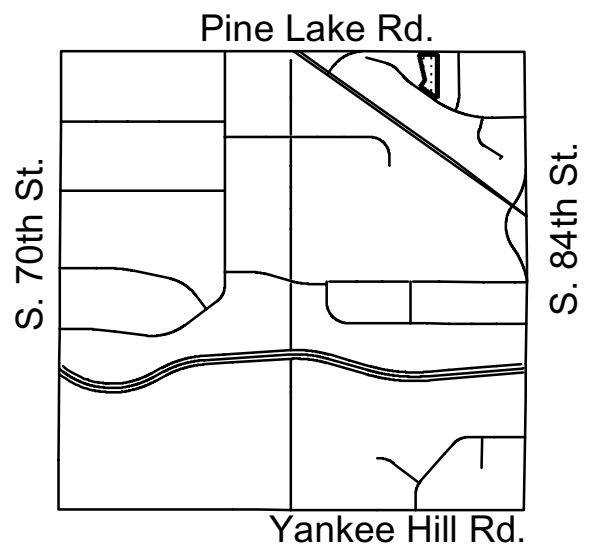
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 22 T9N R7E



Zoning Jurisdiction Lines

City Limit Jurisdiction



PINE LAKE S.I.D.

42

PINE LAKE

4TH

ADD.

RIGHT-OF-WAY TO BE
MAINTAINED

PINE LAKE ROAD

MITIGATION
AREA

1

BLOCK 1

EIGER DRIVE

OUTLOT A

OPEN
SPACE/WETLANDS/
DETENTION/BLANKET
UTILITY EASEMENT
AREA= 1.83 AC.±

2

3

PLAZA 3

OUTLOT B

NEBRASKA HIGHWAY 2

SOUTH 82nd STREET

1

3

4

5

1

2

3

4

8

7

6

7



NO SCALE



PINE LAKE PLAZA
EXHIBIT A
LINCOLN, NEBRASKA

Drawn By: NLP
Dwg.: 404_EX
Date: 10/22/04
Job#: 02-059

SHEET
1 OF 1



Engineering Design Consultants

2200 Fletcher Ave.
Suite 102
Lincoln, NE 68521
Ph 402-438-4014
Fx 402-438-4026

October 27, 2004

Brian Will
Lincoln-Lancaster County Planning Department
555 S 10th Street, Suite 213
Lincoln, NE 68508

RE: Pine Lake Plaza
Conservation Easement
EDC Job No. 02-059

Dear Brian,

On behalf of Pine Lake Development, L.L.C. we request a conservation easement be dedicated on Outlot A of Pine Lake Plaza Addition. Please schedule this request to Planning Commission to determine conformance with the Comprehensive Plan.

The easement is being requested to fulfill the conditions of a U.S. Army Corps of Engineers Section 404 Permit for wetland mitigation. Enclosed is a draft copy of the easement and an exhibit showing the location of the easement and mitigated wetlands. For simplicity, the easement is being requested on the entire outlot rather than only over the mitigation area. If necessary, a metes and bounds legal description for the easement will be supplied at your request.

Please contact me if you have any questions.

Sincerely,

ENGINEERING DESIGN CONSULTANTS, L.L.C.

Richard P. Onnen, P.E.
Project Manager

c: Bob Lewis, Hampton Development Services
Matt Wray, USACE

